

REMARKS

This Amendment is submitted in response to the Office Action dated September 28, 2004, having a shortened statutory period set to expire December 28, 2004. Claims 1-9 are pending. Applicant has amended Claims 1 and 8 and cancelled Claims 2-7. No new matter has been entered by these amendments.

Claim Rejections Under 35 U.S.C. §103

In section 1 of the present Office Action, Claims 1-6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Ito, et al.* in view of *Frommenwiler, et al.* Applicant has incorporated all the limitations of dependent Claims 2-7 into independent Claim 1. Pursuant to the Examiner's statement in section 2 of the present Office Action that Claims 7-9 are directed to allowable subject matter, Applicant believes that the rejection under §103 no longer applies to the pending claims.

With respect to Claims 7-9, it has been indicated in section 2 of the present Office Action that those claims are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims. Applicant has amended independent Claim 1 in the present Office Action to incorporate all the limitations of dependent Claims 2-7. Claim 8 has been amended to be dependent upon Claim 1. Claim 9 remains dependent upon Claim 8.

In light of the above amendments and the Examiner's indication that Claims 7-9 are directed to allowable subject matter, Applicant believes that all rejections and objections have now been overcome and that the present application is now in condition for allowance. Applicant respectfully requests issuance of a Notice of Allowance for this application.

Respectfully submitted,



Craig J. Yudell, Reg. No.
Reg. No. 39,083
DILLON & YUDELL LLP
8911 N. Capital of Texas Hwy., Suite 2110
Austin, Texas 78759
512.343.6116

ATTORNEY FOR APPLICANT